

FISCAL NOTE

HB 1873 - SB 2087

April 4, 2007

SUMMARY OF BILL: Increases minimum sentence served of a person convicted of aggravated robbery or attempt to commit aggravated robbery from 30% to 85% of sentence imposed by the court.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$67,992,400 / Incarceration*

Assumptions:

- Aggravated robbery is a Class B felony with a sentence range of eight to 30 years and attempt to commit aggravated robbery is a Class C felony with a sentence range of three to 15 years.
- According to the Department of Correction (DOC), in FY06 there were 602 admissions for aggravated robbery offenses. According to the U.S. Census Bureau, population growth in Tennessee has been 1.09 percent per year for the past 10 years. Population growth will result in 69 additional offenders in the tenth year as a result of this bill. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 671 offenders serving an additional 4.4 years (an increase from 2.4 years to 6.8 years).
- According to DOC, the average operating cost per inmate per day for calendar year 2007 is \$60.16.
- 671 offenders will be convicted of a Class B felony offense of aggravated robbery and will serve an additional 4.4 years. The cost per inmate at 2.4 years is \$52,736.27 (\$60.16 x 876.60 days). The cost per inmate at 6.8 years is \$149,419.39 (\$60.16 x 2483.70 days). The additional cost from increasing the average sentence length from 2.4 years to 6.8 years is \$96,683.12 (\$149,419.39 - \$52,736.27). The total additional operating cost for 671 offenders is \$64,874,373.52 (\$96,683.12 x 671).
- According to DOC, in FY06, there were 77 admissions for attempt to commit aggravated robbery offenses. Population growth will result in nine additional offenders in the tenth year. The maximum cost in the tenth year is based on 86 offenders serving an additional 1.65 years as a result of this bill (an increase from 0.9 years to 2.55 years). The cost per inmate at 0.9 years is \$19,776.40 (\$60.16 x 328.73 days). The cost per inmate at 2.55 years is \$56,032.42 (\$60.16 x 931.39 days). The

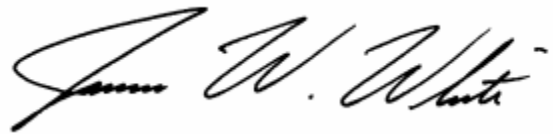
additional cost from increasing the average sentence length from 0.9 years to 2.55 years is \$36,256.02 (\$56,032.42 - \$19,776.40). The total additional operating cost for 86 offenders is \$3,118,017.72 (\$36,256.02 x 86).

- The Board of Probation and Parole (BOPP) assumes those persons eligible for parole who would be released will still be released to community supervision by BOPP. Any decrease in expenditures for a shorter time for community supervision by BOPP is estimated to be not significant.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" and last name "White" clearly distinguishable.

James W. White, Executive Director